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| APPLICATION NO.    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------|-------------|----------------------|---------------------|------------------|
| 10/809,313         | 03/24/2004  | William Robertson    | SWISE-100           | 6488             |
| 25230              | 7590        | 09/11/2006           | EXAMINER            |                  |
| ONOFRIO LAW        |             |                      | BONSHOCK, DENNIS G  |                  |
| 107 SHAD ROW       |             |                      | ART UNIT            |                  |
| PIERMONT, NY 10968 |             |                      | PAPER NUMBER        |                  |
|                    |             |                      | 2173                |                  |

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |   |  |
|------------------------------|---------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/809,313  | <b>Applicant(s)</b><br>ROBERTSON ET AL. |  |
|                              | <b>Examiner</b><br>Dennis G. Bonshock | <b>Art Unit</b><br>2173                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8-3-04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically the claim is embodied in a carrier wave ("signals readable by a computer").

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-16, 20, 21, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Poulose et al., Pub. No.: US 2004/0205529, hereinafter Poulose.

3. With regard to claim 9, which teaches a method of generating a document through a graphic comprising the steps: reading dialog and control properties from a database, user interface constructing a dialog based on the dialog and control properties; displaying the dialog; Poulose teaches, in paragraph 10, reading the form dialog and associated properties from a database, and Poulose teaches, in paragraphs

8, 9, and 56, providing a display of the form with the dialog stored in a database. With regard to claim 9, which further teaches the user entering data into at least one control of the dialog to form control data; and Poulouse teaches, in paragraph 41, the user setting properties for the individual components. With regard to claim 9, which further teaches inserting the control data into a document, based on a template, which has been associated to the dialog, at a position, marked by a bookmark, Poulouse teaches, in paragraphs 39, 41, and 43, inserting components and component properties into the preformatted area defined by the template.

4. With regard to claim 10, which teaches the dialog is not stored as computer code, Poulouse teaches, in paragraphs 1, 28, and 25, allowing a user to design the form without using computer code.

5. With regard to claim 11, which teaches the step of entering data into a control comprises selecting data from a selection of data provided by the control to form control data, Poulouse teaches, in paragraph 41, entering properties relative to the component.

6. With regard to claim 12, which teaches the template contains bookmarks corresponding to one or more controls of the dialog, Poulouse teaches, in paragraph 43, templates containing preformatted areas for data entry and customization.

7. With regard to claim 13, which teaches a graphic user interface based document development system comprising: a graphic user interface based dialog designer configured to: enable a user to design a dialog, Poulouse teaches, in paragraphs 8 and 25, the designing of a document through the use of a graphical user interface, where no coding is required to produce a dialog. With regard to claim 13, which further teaches

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enable a user to configure dialog and control properties, Poulose teaches, in paragraphs 8, 39, and 41, allowing the user to configure the components and components properties. With regard to claim 13, which further teaches to enable a user to associate at least one template with the dialog, Poulose teaches, in paragraph 43, associating a template containing preformatted areas with the document. With regard to claim 13, which further teaches to save the dialog and control properties to a database, Poulose teaches, in paragraphs 8, 39, and 41, selecting the component layout and associated properties and saving the data information to a database.

8. With regard to claim 14, which teaches configured to enable a user to design a dialog without writing or compiling computer code, Poulose teaches, in paragraphs 1, 28, and 25, allowing a user to design the form without using computer code.

9. With regard to claim 15, which teaches further configured to enable a user to configure dialog and control properties without writing or compiling computer code, Poulose teaches, in paragraphs, 28, 25, and 41, enabling the user to configure properties of components.

10. With regard to claim 16, which teaches further configured to enable a user to associate at least one template with the dialog without writing or compiling computer code, Poulose teaches, in paragraphs 1, 28, 25, and 43, allowing a user to select a template for designing the form without using computer code.

11. With regard to claim 20, which teaches further comprising a publisher configured to make a dialog and associated template available for use to end-users to generate a

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document, Poulose teaches, in paragraphs 45 and 56 publishing the documents for deployment on the web.

12. With regard to claim 21, further comprising a document generator configured to: read dialog and control properties from the database; construct a dialog from the dialog and control properties; display the dialog, Poulose teaches, in paragraph 10, reading the form dialog and associated properties from a database, and Poulose teaches, in paragraphs 8, 9, and 56, providing a display of the form with the dialog stored in a database. With regard to claim 21, further teaching to enable a user to enter information into or select information from controls contained in the dialog to form control data, Poulose teaches, in paragraph 41, the user setting properties for the individual components. With regard to claim 21, further teaching command a native application to create a document based on the template associated to the dialog, Poulose teaches, in paragraph 2, currently forms are being generated in native application such as Microsoft Word and Excel. With regard to claim 21, further teaching to insert the control data into the document at bookmark positions, where each bookmark corresponds to a control in the dialog, Poulose teaches, in paragraphs 39, 41, and 43, inserting components and component properties into the preformatted area defined by the template.

13. With regard to claim 25, which teaches a program storage device or signals readable by a computer, tangibly embodying instructions executable by the computer to perform a method for enabling a user to generate a document through a graphic user interface, the method comprising: reading dialog and control properties from a

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database, user interface constructing a dialog based on the dialog and control properties; displaying the dialog, Poulose teaches, in paragraph 10, reading the form dialog and associated properties from a database, and Poulose teaches, in paragraphs 8, 9, and 56, providing a display of the form with the dialog stored in a database. With regard to claim 25, which further teaches enabling the user to enter data into at least one control of the dialog to form control data; and Poulose teaches, in paragraph 41, the user setting properties for the individual components. With regard to claim 25, which further teaches enabling the user to insert the control data into a document, based on a template which has been associated to the dialog, at a position marked by a bookmark, Poulose teaches, in paragraphs 39, 41, and 43, inserting components and component properties into the preformatted area defined by the template.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-8, 17-19, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulose et al., Pub. No.: US 2004/0205529, hereinafter Poulose and Bretti, Pub. No.: US 2003/0023626.

16. With regard to claim 1, which teaches a method of using a graphic user interface based document development system comprising the steps of: designing a dialog,

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Poulose teaches, in paragraphs 8 and 25, the designing of a document through the use of a graphical user interface, where no coding is required to produce a dialog. With regard to claim 1, which further teaches associating a template with the dialog, Poulose teaches, in paragraph 43, associating a template containing preformatted areas with the document. With regard to claim 1, which further teaches saving dialog and control properties to a database, Poulose teaches, in paragraphs 8, 39, and 41, selecting the component layout and associated properties and saving the data information to a database.

Poulose, however, doesn't explicitly teach customizing the design of the template. Bretti teaches a system for creating custom forms through the use of a template (see paragraphs 12 and 13), similar to that of Poulose, but further teaches the customization of a user-selected template (see paragraph 13). It would have been obvious to one of ordinary skill in the art, having the teachings of Poulose and Bretti before him at the time the invention was made to modify the graphical design system of Poulose to include the customization of templates as did Bretti. One would have been motivated to make such a combination because both teach systems for graphical programming in the designing of forms, and the customization of a template would give Poulose an added level of flexibility in designing custom forms.

17. With regard to claim 2, which teaches the step of designing a dialog is performed by a user without writing or compiling computer code, Poulose teaches, in paragraphs 1, 28, and 25, allowing a user to design the form without using computer code.



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18. With regard to claim 3, which teaches the step of associating a template with the dialog is performed by a user without writing or compiling computer code, Poulose teaches, in paragraphs 1, 28, 25, and 43, allowing a user to select a template for designing the form without using computer code.

19. With regard to claim 4, which teaches reading the dialog and control properties from the database, and displaying the dialog, Poulose teaches, in paragraphs 8, 9, and 56, providing a display of the form with the dialog stored in a database.

20. With regard to claim 5, which teaches further comprising the steps of: entering data into at least one control of the dialog to form control data; and inserting the control data into a document based on the template at a position marked by a bookmark, Poulose teaches, in paragraphs 39, 41, and 43, entering properties for components where the components are in template specified positions.

21. With regard to claim 6, which teaches the bookmark has the same name as the control, Bretti further teaches, in paragraphs 48-50 and figures 2 and 3, the headings being named "heading", etc.

22. With regard to claim 7, which teaches step of designing the template further reading the names of controls from the database, displaying the names as a list of bookmarks for user selection, displaying the template, and inserting at least one bookmark selected by a user into the template, Poulose teaches, in paragraphs 39, 41, and 43, inserting components and component properties into the preformatted area defined by the template. Bretti teaches, in paragraph 12, receiving the modifiable forms from a database. Bretti further teaches, in paragraphs 12, 13, and 15 and in

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paragraphs 48-50 and figures 2 and 3, providing the display of a template, providing names of components, that allows for selectable user customization. Bretti further teaches, in paragraphs 60-62, allowing for the user to add components to the template.

23. With regard to claim 8, which teaches further comprising: inserting a bookmark name into the template at the position of each bookmark, and deleting each bookmark name from the template prior to saving the template, Poulouse teaches, in paragraphs 39, 41, and 43, inserting components and component properties into the preformatted area defined by the template. Bretti further teaches, in paragraphs 12, 13, and 15 and specifically in paragraphs 48-50 and figures 2 and 3, first inserting a generic template with generic names that are customized to personalized content before saving the custom template.

24. With regard to claim 17, which teaches further comprising: a graphic user interface based template administrator configured to enable a user to design a template by adding at least one bookmark to the template where the bookmark corresponds to a control in the dialog, Poulouse teaches, graphical design of a group of components in a form through the user of a template, but Poulouse, however, doesn't explicitly teach customizing the design of the template. Bretti teaches a system for creating custom forms through the use of a template (see paragraphs 12 and 13), similar to that of Poulouse, but further teaches the customization of a user-selected template (see paragraph 13). Bretti further teaches, in paragraphs 12, 13, and 15 and in paragraphs 48-50 and figures 2 and 3, providing the display of a template, providing names of components, that allows for selectable user customization. Bretti further teaches, in

paragraphs 60-62, allowing for the user to add components to the template. It would have been obvious to one of ordinary skill in the art, having the teachings of Poulose and Bretti before him at the time the invention was made to modify the graphical design system of Poulose to include the customization of templates as did Bretti. One would have been motivated to make such a combination because both teach systems for graphical programming in the designing of forms, and the customization of a template would give Poulose an added level of flexibility in designing custom forms.

25. With regard to claim 18, which teaches the graphic user interface based template administrator is further configured to: read control names contained in the dialog and a template name of the template associated to the dialog from a database, open the template in a native application, display a list of bookmarks corresponding to the control names; and enable the user to insert at least one bookmark into the template. Poulose teaches, in paragraphs 39, 41, and 43, inserting components and component properties into the preformatted area defined by the template. Poulose teaches, in paragraph 2, currently forms are being generated in native application such as Microsoft Word and Excel. Bretti teaches, in paragraph 12, receiving the modifiable forms from a database. Bretti further teaches, in paragraphs 12, 13, and 15 and in paragraphs 48-50 and figures 2 and 3, providing the display of a template, providing names of components, that allows for selectable user customization. Bretti further teaches, in paragraphs 60-62, allowing for the user to add components to the template. Bretti further teaches, in figure 2, the opening of the template in a native application (Microsoft Publisher).

26. With regard to claim 19, which teaches the graphic user interface based template administrator is further configured to: insert a bookmark name into the template at the position of each bookmark, and delete each bookmark name from the template prior to saving the template, Poulouse teaches, in paragraphs 39, 41, and 43, inserting components and component properties into the preformatted area defined by the template. Bretti further teaches, in paragraphs 12, 13, and 15 and specifically in paragraphs 48-50 and figures 2 and 3, first inserting a generic template with generic names that are customized to personalized content before saving the custom template.

27. With regard to claim 22, which teaches a program storage device or signals readable by a computer, tangibly embodying instructions executable by the computer to perform a method of enabling a user to operate a graphic user interface based document development system, the method comprising: enabling the user to design a dialog, Poulouse teaches, in paragraphs 8 and 25, the designing of a document through the use of a graphical user interface, where no coding is required to produce a dialog. With regard to claim 22, which further teaches : enabling the user to associate a template with the dialog, Poulouse teaches, in paragraph 43, associating a template containing preformatted areas with the document. With regard to claim 22, which further teaches saving dialog and control properties to a database, Poulouse teaches, in paragraphs 8, 39, and 41, selecting the component layout and associated properties and saving the data information to a database.

Poulouse, however, doesn't explicitly teach customizing the design of the template. Bretti teaches a system for creating custom forms through the use of a

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template (see paragraphs 12 and 13), similar to that of Poulose, but further teaches the customization of a user-selected template (see paragraph 13). It would have been obvious to one of ordinary skill in the art, having the teachings of Poulose and Bretti before him at the time the invention was made to modify the graphical design system of Poulose to include the customization of templates as did Bretti. One would have been motivated to make such a combination because both teach systems for graphical programming in the designing of forms, and the customization of a template would give Poulose an added level of flexibility in designing custom forms.

28. With regard to claim 23, which teaches further comprising enabling the user to design a dialog without writing or compiling computer code, Poulose teaches, in paragraphs 1, 28, and 25, allowing a user to design the form without using computer code.

29. With regard to claim 24, which teaches further comprising enabling the user to associate a template with the dialog without writing or compiling computer code, Poulose teaches, in paragraphs 1, 28, 25, and 43, allowing a user to select a template for designing the form without using computer code.

### ***Conclusion***

30. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The

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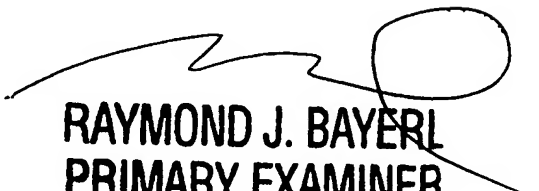
documents cited therein teach systems for the creation of documents through graphical programming.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8-30-06  
dgb



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**